

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-0879V

UNPUBLISHED

TIMOTHY ANDREWS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 30, 2021

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Guillain-
Barre Syndrome (GBS)

Robert Deniger Cobb, Jr., Nahon, Saharovich & Trotz, Memphis, TN, for Petitioner.

Ryan Daniel Pyles, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On June 14, 2019, Timothy Andrews filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that he suffered Guillain-Barre Syndrome (“GBS”) as a result of an influenza vaccine received on October 9, 2017. Petition at 1. Petitioner further alleges the vaccine was administered in the United States, Petitioner has suffered the sequela of his injury for more than six months, and neither Petitioner nor any other party has filed an action for, or received compensation in the form of an award or settlement for, Petitioner’s vaccine-related injury. Petition at ¶¶ 2, 35-37. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 30, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for GBS. On August 30, 2021, Respondent filed a proffer on award of

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

compensation ("Proffer") indicating Petitioner should be awarded \$205,407.65. Proffer at 1. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$205,407.65 (representing \$200,000.00 for actual and projected pain and suffering at net present value, and \$5,407.65 representing past unreimbursed expenses) in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

**THE UNITED STATES COURT OF FEDERAL CLAIMS
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TIMOTHY ANDREWS,

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SECRETARY OF HEALTH AND
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Chief Special Master Brian H. Corcoran
SPU

RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

On July 13, 2021, respondent filed his Rule 4(c) Report, recommending that the Court find petitioner entitled to compensation specifically for Guillain-Barré syndrome (GBS) and related sequelae, regarding which petitioner is entitled to a presumption of causation under the Vaccine Injury Table. ECF No. 32. Should the Court find petitioner entitled to compensation, respondent proffers that petitioner be awarded a lump sum of **\$205,407.65** for all damages available pursuant to 42 U.S.C. § 300aa-15(a) as a result of petitioner receiving an influenza vaccination on or about October 9, 2017, regardless of the injury alleged. Of this total amount, \$200,000.00 represents an award for actual and projected pain and suffering at net present value, and \$5,407.65 represents an award for past unreimbursed expenses. Petitioner is a competent adult. Accordingly, guardianship documentation is not required.

Petitioner has reviewed the foregoing and concurs. Petitioner agrees with the proffered award of **\$205,407.65**.¹

¹ This proffer does not include any award for attorneys' fees and costs that may be awarded pursuant to 42 U.S.C. § 300aa-15(e).

Respectfully submitted,

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Dated: August 30, 2021